

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 538 be amended to read as follows:

- 1 Page 5, between lines 29 and 30, begin a new paragraph and insert:
- 2 "SECTION 8. IC 16-41-42 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2005]:
- 5 **Chapter 42. Childhood Obesity.**
- 6 **Sec. 1. (a) Each school corporation shall report to the state**
- 7 **department the age, height, weight, ethnicity, and sex of the school**
- 8 **corporation's students for the previous school year.**
- 9 **(b) Data may not be reported under this section in a way that**
- 10 **allows students to be personally identifiable.**
- 11 **(c) A school corporation shall report data required under**
- 12 **subsection (a) according to rules adopted under this chapter. The**
- 13 **rules must include the following:**
- 14 **(1) Information regarding the importance of accurate**
- 15 **measurements and the collection of measurements for**
- 16 **improving children's health.**
- 17 **(2) Procedures for the measurement of children in a respectful**
- 18 **and dignified manner.**
- 19 **(d) The state department, in consultation with the department**
- 20 **of education, shall issue and make available to the public an annual**
- 21 **report summarizing data collected under this section.**
- 22 **Sec. 2. (a) This section does not apply to a food or beverage item**
- 23 **that is:**
- 24 **(1) part of a school lunch program or a school breakfast**
- 25 **program;**

- (2) sold in an area that is not accessible to a student;
- (3) sold after normal school hours; or
- (4) sold or distributed as part of a fundraiser conducted by students, teachers, school groups, or parent groups, if the food or beverage is not intended for student consumption during the school day.

(b) At least fifty percent (50%) of the foods and beverages available for sale at school or on the school grounds must qualify as a healthy food or a healthy beverage under rules adopted by the state department.

(c) A vending machine at an elementary school that dispenses food or beverages may not be accessible to a student.

Sec. 3. The state department shall adopt rules under IC 4-22-2 to implement this chapter."

Page 5, after line 35, begin a new paragraph and insert:

"SECTION 10. [EFFECTIVE JULY 1, 2005] (a) As used in this SECTION, "advisory committee" refers to a school health advisory committee established under subsection (b).

(b) Before July 1, 2006, each school board shall establish a school health advisory committee. The advisory committee shall develop a local coordinated wellness policy that complies with the requirements under federal Public Law 108-265 and IC 5-22-15-24(c). The advisory committee must hold at least one (1) hearing that allows public testimony.

(c) The school board shall appoint the members of the advisory committee. The advisory committee must include parents, food service directors and staff, students, nutritionists or certified dietitians, health care professionals, school board members, a school administrator, and representatives of interested community organizations. However, a person who represents a food manufacturer or marketer or a person with a conflict of interest or a financial interest in selling food in schools may not serve on the advisory committee.

(d) Before July 1, 2007, the school board shall:

- (1) adopt a school district policy on child nutrition and physical activity that takes into consideration the advisory committee's recommendations and complies with rules adopted by the state department of health; and
- (2) submit the school district's policy on child nutrition and physical activity to the state department of health not more than ten (10) days after adopting the policy.

(e) The state department of health shall, with assistance from the department of education, provide technical assistance to advisory committees, including providing information on health, nutrition, and physical activity, through educational materials and professional development opportunities. The state department of

1 health shall provide the information given to an advisory
2 committee under this subsection to a school, parent, or guardian
3 upon request.

4 (f) This SECTION expires July 1, 2008."

5 Renumber all SECTIONS consecutively.

(Reference is to ESB 538 as printed March 30, 2005.)

Representative Brown C